

13A.120 Promulgation of administrative regulations -- Prohibitions concerning promulgations.

- (1) (a) An administrative body may promulgate administrative regulations to implement a statute only when the act of the General Assembly creating or amending the statute specifically authorizes the promulgation of administrative regulations or administrative regulations are required by federal law, in which case administrative regulations shall be no more stringent than the federal law or regulations.
- (b) An administrative body that promulgates an administrative regulation required by federal law or federal regulation shall comply with the provisions of this chapter.
- (2) An administrative body shall not promulgate administrative regulations:
 - (a) When a statute prohibits the administrative body from promulgating administrative regulations;
 - (b) When the administrative body is not authorized by statute to promulgate administrative regulations;
 - (c) When a statute prohibits the administrative body from regulation of that particular matter;
 - (d) When the administrative body is not authorized by statute to regulate that particular matter;
 - (e) When a statute prescribes the same or similar procedure for the matter regulated;
 - (f) When a statute sets forth a comprehensive scheme of regulation of the particular matter;
 - (g) On any matter that is not clearly within the jurisdiction of the administrative body;
 - (h) On any matter that is beyond the statutory authorization of the administrative body to promulgate administrative regulations or that is not clearly authorized by statute; and
 - (i) That modify or vitiate a statute or its intent.
- (3) If a statute requires an administrative body or official to submit an administrative regulation to an official or administrative body for review or approval prior to filing the administrative regulation with the commission, the administrative body or official shall not file the administrative regulation without first having obtained the review or approval.
- (4) Any administrative regulation in violation of this section or the spirit thereof is null, void, and unenforceable.
- (5) No administrative body, other than the Court of Justice, shall issue rules.
- (6) No administrative body shall issue standards or by any other name issue a document of any type where an administrative regulation is required or authorized by law.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 82, sec. 8, effective July 15, 2016. -- Amended

1996 Ky. Acts ch. 180, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 9, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 18, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 499, sec. 8, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 417, sec. 12, effective April 13, 1984.